



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Michael J. Sullivan

FOR

IMPROVED MULTI-LAYER

GOLF BALL

SERIAL NO.

08/815,556

FILED

March 12, 1997

EXAMINER

M. Graham

ART UNIT

3304

LAST OFFICE ACTION

October 22, 1997

ATTORNEY DOCKET NO.

SLD 2 035-1-1

Cleveland, Ohio 44114 September 28, 1998

Supplemental Showing Under 37 C.F.R. § 1.195 For Introducing Information After Notice of Appeal

Assistant Commissioner of Patents Washington, D.C. 20231

Dear Sir:

This supplemental showing is presented subsequent to the filing of Applicant's Appeal Brief in the above-captioned application on July 20, 1998. This supplemental showing is presented in order to introduce additional information

CERTIFICATE OF MAILING

I hereby certify that this <u>Supplemental Showing Under</u>
37 CFR §1.195, in triplicate, is being deposited with the
United States Postal Service as first class mail in an
envelope addressed to: Assistant Commissioner for Patents,
Washington, D.C. 20231 on September 28, 1998.

y: Mary lan Jerresvare

Mary Ann Temesvari

pertaining to the nonobviousness of the claimed subject matter. This information relates to the commercial success, praise within the industry, and the extensive and wide-spread adoption of the commercial embodiment of the claimed golf ball - the Top-Flite® Strata™ golf ball.

Exhibit 1 notes that the Strata[™] ball is the number one multi-layer ball on tour. The significant advantage and increase in tour rankings by utilizing the Strata[™] ball is also illustrated.

Exhibits 2-4 announce the winner of the 62nd Masters and the 1998 British Open, Mark O'Meara utilizing the Strata™ ball.

Exhibits 5 and 6 illustrate the remarkable commercial success and adoption in the industry of the Strata™ ball.

For at least these reasons, it is respectfully submitted that the information submitted herewith, i.e. Exhibits 1-6, also be considered in conjunction with the information submitted with Applicant's Appeal Brief, i.e. Exhibits 1-19, and be admitted and considered by the Board.

Respectfully submitted,

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FAY, SHARPE, BEALL, FAGAN, MINNICH & McKEE

Richard M. Klein Reg. No. 33,000

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MEETTHENEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA



Soft ZS Balata cover for maximum spin control Firm inner layer for distance

Soft; high enérgy core for Tour feel



THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates Mark O'Meara for winning his first green jacket and his first major tourna ment as a professional



MAIDING





MEET THE NEW MASTERS CHAMPIONS: MARKO'MEARA AND TOP-ELITE STRATA



Soft ZS Balata™ cover for maximum spin control

Firm inner layer for distance

Soft, high energy core for Tour feel



HE 62ND MASTERS CHAMPIO

Top-Flite and Etonic congratulates Mark O'Meara for winning his first green jacket and his first major tournament as a professional.



SPAIDING

TOP FLITE Etonic



PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE:



1998 MAJOR WINS

TOP_FLITE	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark @ Meara on winning his second Major tour nament of the year adding the British Open's Claret Jug. to his Master's Green Jacket, Mark plays the Top-Flite Strata, the new #1 ball



ECHNOLOGY TO IMPROVE YOUR GAM

TOPAUTE

A TRADITION IN GOLF FOR OVER 100 YEARS : \ \

SPALDING

STRATA: THE #1 MULTI-LAYER BALL ON TOUR.



Soft ZS Balata" cover for maximum spin control irm inner laye or distance

Soft, high energy core

In April 1996, Mark O'Meara switched from a wound ball and became the first PGA Tour Professional to play our new multi-layer

Strata. Later that month, he used it to win the Greater Greensboro Open. In May, D.A. Weibring also switched to the Strata and he promptly won the Greater Hartford Open. Like anything else on Tour that performs this well, the ball caught on. Today, over 150 touring professionals



Jim Furyk. 11 TOP-TEN FINISHES,

representing every Tour worldwide make the
Top-Flite Strata their ball of choice.

The Strata's breakthrough multi-layer

construction continues to redefine performance for top pros.

Its firm inner layer produces long distance off the tee, while its

super soft ZS Balata" cover and patented high energy core combine

to produce unequaled spin and control around the green. What you get is a ball that performs from tee to green. One that helped Jim Furyk post 11 top-ten finishes during the 1997 season.

Of course, we've adapted the multi-layer technology to perform well for the low handicap player as well.

The Strata Advance uses the same multi-layer Strata

Tour construction. But it features a Hyper-Elastic inner
layer for additional distance off woods and long irons

while the soft, cut-proof Z-Balata cover and high energy core deliver fantastic feel and spin on short irons around the green.

So, whether it's the Strata Tour for unmatched control or the

TOUR RANKINGS

Tour Player	Before Strate	
Mark O'Meara	20	8
Jim Furyk	48	20
Paul Stankowski	55	26
Bill Glasson	52	39
David Ogrin	103	59

Strata Advance for additional distance, why not buy a sleeve from your pro shop and test them against your regular ball? After all, the Strata's breakthrough multi-layer technology has worked for the top pros. We're confident it will help to improve your game as well.



in only eighteen months, 150 tour professionals world-wide have switched to the Strata Tour. With outstanding results. 28 first place finishes and hundreds more in



BIII Glasson 1997 LAS VEGAS



Mark O'Meara 1997 AT&T PERBLE BRACH PROSAM



Paul Stankowski 1997 UNITED AIRLINES HAWAIIAN OPEN

DEDICATED TO IMPROVING YOUR GAME TOP FUTE

Minderingship MASTERS CHAMPIONS: MARKO'MEARA AND TOP-FUTE STRATA.



Soft ZS Balata cover for maxinum spin control

Firm inner layer for distance

Soft; high energy core



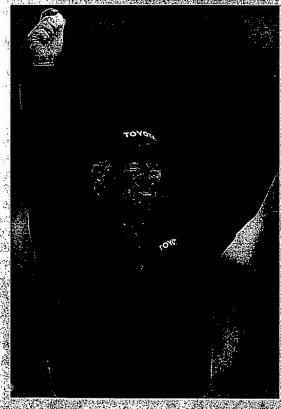
lop-Flite/and Etonic ≥congratulates Mark O'Meara for winning his first green jacket and his first major tourna ment as a professional



TEALDING

TOP-FLITE Etonic





MARK O MEARA 1998 MASTERS CHAMPION 1998 BRITISH OPEN CHAMPION

1998 MAJOR WINS

TOP_FLITE	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata the new #1 ball in golf's Major Championships



TECHNOLOGYTO IMPROVEYOUR GAME TO PERMIT

A TRADITION IN GOLF FOR OVER 100 YEARS: SPALDING.

PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O MEARA 1998 MASTERSICHAMPION

1998 MAJOR WINS

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Bridgestone	1
Maxfli	0
Titleist	0

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in golf's Major Championships



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TRADITION IN GOLF FOR OVER 100 YEARS: PALD

PLANERS HAVE SWITCHED TO THE TOP-FLITE IN EIGHTEEN MONTHS OVER 250 TOUR STRATAL CARE TO JOIN THEM?





























HOWEVER, IT SEEMS TO BE CATCHING ON.

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	Jim Furyk	Jim Furyk	Jim Furyk	Ē
	Russ Cochran	Russ Cochran	Russ Cochran	Russ
	Brad Bryant	Brad Bryant	Brad Bryant	Brad
	Phil Tataurangi	Phil Tataurangi	Phil Tataurangi	Ē
•	Brent Geiberger	Brent Geiberger	Brent Geiberger	Brent
	Bill Ray Brown	Bill Ray Brown	Bill Ray Brown	Bill
	Tommy Armour III	Tommy Armour III	Tommy Armour III	ě
	Andrew Mages	Andrew Magee	Andrew Magee	Andr
	John Adams	John Adams	John Adams	넊
	Scott Gump	Scott Gump	Scott Gump	Scott
	John Morse	John Morse	John Morse	h
	Steve Pate	Steve Pate	Steve Pate	Steve
	Gene Sauers	Gene Sauers	Gene Sauers	و
	Howard Twitty	Howard Twitty	Howard Twitty	Ž
	Karen Davies	Karen Davies	Karen Davies	Xare
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	Ellia Gibson	Ellie Gibson	Ellie Gibson	iji.
	Sherri Turner	Sherri Turner	Sherri Turner	Sher
	Kevin Altenhoff	Kevin Altenhoff	Kevin Altenhoff	Kevir
	Barry Cheeseman	Barry Cheeseman	Barry Cheeseman	Barry
	Dennis Zinkan	Dennis Zinkon	Dennis Zinkon	Š
	Mark Roe	Mark Roe	Mark Roe	Ā
	Richard Boxell	Richard Boxall	Richard Boxall	Richa
	David Tapping	David Tapping	David Tapping	Š
	Darren Lee	Darren Lee	Darren Lee	ě
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	Massimo Scarpa	Massimo Scarpa	Massimo Scarpa	Mass
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Mark O'Mears		Mark O'Meara	Mark O'Meara	Mark O'Meara	Mark O'Moara	Mark O'Meara	Mark O'Meara	Mark O'Meara	Mark O Meara	Mark O'Meara	Mark O'Meara	Mark O'Meara	Mark O'Me
Bill Glasson		Bill Glasson	Bill Glasson	Bill Glasson	Bill Glasson	Bill Glasson.	Bill Glasson	Bill Glasson	Bill Glasson	Bill Glasson	Bill Glasson	Bill Glasson	Bill Glassor
Al Geiberger		Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberger	Al Geiberg
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Peter Mitchell		Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitch
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David Carter	٠.	David Carter	David Carter	David Carrer.	David Carter	David Carter	David Carter	David Carter	David Carter	David Carter	David Carter	David Carter	David Carr
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Rolf Muntz		Rolf Muntz	Roll Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz	Rolf Muntz
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Stephen Field		Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Field	Stephen Fi
Massimo Florioli	. 1	Massimo Florioli	- Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo Florioli	Massimo F
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John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bickerton	John Bicke
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The #1 Multi-Layer Ball On Tour.

Top-Flite's Breakthrough Multi-Layer Technology Is The Most Remarkable Yet.

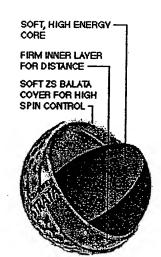
Since the turn of the century, Spalding has led the way in technology, from the first dimpled golf ball in 1909 to today's line-up of high performance balls for every level of play. In fact, over the past 5 years, no other U.S. manufacturer has obtained more patents covering materials and construction than Top-Flite.



And now, with the multi-layer technology of the Top-Flite® StrataTM Advance, the performance bar has been raised higher than ever before.

Top-Flite Strata Tour's Impressive First Year on the PGA Tour.

Dozens of professionals worldwide have already switched to the new Top-Flite Strata Tour, including former wound ball players Mark O'Meara and Jay Don Blake. And the results have been impressive. Since switching to Strata Tour, O'Meara has reached the top 5 on the PGA Tour in money, in scoring, in greens in regulation and in birdies. Strata Tour has also recorded numerous Tour victories in its first year such as: O'Meara's win at Greensboro, D.A. Weibring's GHO victory, Walt Morgan's first place honors at the SPGA Ameritech, not to mention several international wins.



Top-Flite Strata Tour. Patented Multi-Layer Construction Sets a New Standard in Golf Ball Performance.

The multi-layer design of Top-Flite Strata Tour has redefined golf ball technology. By combining a super soft ZS BalataTM cover with a firm inner layer and a high-energy soft core, the new Strata Tour offers excellent distance off woods and longer irons with unequaled feel and control on short iron shots and around the green.

	Distance Comparison
DRIVER	Hop Fluc Straia Hour Longest Longest
SIRON SIRON	Top=Plite Strata Troin 2000 Longesu Triefs: LomBalaia 24 yrards Tulefs: Professional 42 yrards ∀ardh 1477 2 yrards
	Spin Comparison
	il op Jelie Strate Rour a deligitest de l'éleste flour Balkin 2000 RPM de l'éleste réfessional 600 RPM Maxilidate de l'éleste au des la 1800 RPM

Computer-Aided Design and Breakthrough Materials Make State-Of-The-Art Performance Possible.

The Strata Tour construction is revolutionary both inside and out. Its core composition is a patented polymer that delivers a remarkable combination of softness (for feel) and maximum distance. The patented inner layer, which is the impressive power behind Strata Tour, contains an exclusive formulated ionomer material.

Top-Flite Strata Tour has a new ZS BalataTM outer cover that is also patented. Its advanced polymer construction makes it not only soft and resilient, but cut resistant. This translates into added confidence on those all-important scoring shots around the green. Just as important, Top-Flite Strata Tour also provides consistent, reliable performance shot after shot, and hole after hole.



With woods and long iron shots, the firm inner layer and high energy core combine to produce low spin and long distance.



With short iron shots and around the green, the ZS Balata™ cover produces unequaled spin control with balata ball feel.

BallS	ze –				1.68	
Coré S	ize £		76.0	7.4	1.47	
Thicki	iess					
Cover	Color K. F. Smith, Col.				0.05	
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Mamile Shore					7/0)	
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Namba	i oʻll)imp	les		422	

You'll See The Top-Flite Strata Tour On The Professional Tours... And At Golf Professional Shops.

The performance of Top-Flite Strata Tour continues to attract the attention of top tour players worldwide. Players like Jim Furyk and 1996 GGO winner Mark O'Meara have seen the difference Strata Tour can make in their game, and have made Strata their ball of choice for 1997.



The Top-Flite Strata Tour comes with a 100% money-back guarantee if you are not completely satisfied.

For more information on Top-Flite Strata Tour, call 1-800-225-6601. ©1997 Spalding Sports Worldwide

You want to know more about Strata's Product Benefits and Features?

| Tour Talk | What's New | Custom Fit | Products | Screen Saver | International | For Women | Club House | Register | Top-Flite 1997